



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 248-00
13 April 2000

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 8 March 1954 at age 25. Specifically, you enlisted in the Philippine Steward Program that required you to be single. On 29 September 1954 you requested a hardship discharge due to having a wife and five children.

On 4 October 1954 the commanding officer recommended that you be separated with an undesirable discharge by reason of misconduct due to fraudulent enlistment. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an undesirable discharge on 14 January 1955.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as the contention the the discharge was too severe. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given the seriousness of the fraud.

Additionally, it appears that you requested discharge for the purpose of avoiding a deployment. Therefore, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director